

1. (Twice Amended) A method for determining the conformational state of a protein, comprising the steps of:
 - a) contacting a protein with a labeled first binding partner which binds to said protein in a manner dependent on the conformational state of said protein and which generates a signal in a manner dependent on the binding of the first binding partner to the protein, and a labeled second binding partner which binds to said protein in a manner dependent on the conformational state of said protein and which can generate a signal in a manner dependent on the binding of the first binding partner to the protein, wherein said protein and said labeled first and second binding partner are not covalently bound; and
 - b) detecting said protein by the binding of at least one of said labeled first binding partner or said labelled second binding partner to said protein wherein detection of a signal generated by said labeled first binding partner and/or said labeled second binding partner is an indicator of the conformational state of said protein.

2. (Twice Amended) A method for measuring the post-translational modifying activity of an enzyme, wherein the conformation of a protein is dependent upon the post-translational modification activity of the enzyme, the method comprising the steps of:
 - a) contacting a protein comprising a site for post-translational modification with the enzyme;
 - b) providing a labelled first binding partner which binds non-covalently to the protein in a manner dependent on the post-translational modification of the protein by the enzyme and which generates a signal in a manner dependent on said post-translational modification, and a second labelled binding partner which binds non-covalently to said protein and which can

generate a signal in a manner dependent on said post-translational modification;

- c) contacting the protein with the labelled first binding partner and the labelled second binding partner and detecting said protein by the binding to said protein of at least one of said labeled first binding partner and said labeled second binding partner, wherein detection of a signal generated by said labeled second binding partner and/or said labeled second binding partner indicates the post-translational modifying activity of the enzyme.

- 5. (Twice Amended) The method of claim 1 or 2, wherein the second binding partner is a capture ligand, and said protein that binds to said capture ligand is isolated from a protein that does not bind to said capture ligand.
- 13. (Twice Amended) The method of claim 1 or 2, further comprising the additional step of, after step (a), removing unbound labelled first binding partner is removed to allow detection of the binding of the labelled first binding partner to the protein.
- 19. (Amended) A kit for the determination of the conformational state of a protein in a sample, comprising:
 - a) a labelled first binding partner which binds to the protein in a manner dependent on the conformational state of the protein and is detectable in a manner dependent on its binding to the protein and a labelled second binding partner, wherein said protein and said first binding partner or said second binding partner are not covalently bound; and
 - b) packaging components.

20. (Amended) A kit for the determination of the presence of a ligand for a protein in a sample, comprising:
- a) a protein which binds to the ligand the presence of which is to be determined and which undergoes a conformational change as a result of such binding;
 - b) a labelled first binding partner which binds to the protein in a manner dependent on the conformational state of the protein and is detectable in a manner dependent on its binding to the protein and a labelled second binding partner, wherein said protein and said first binding partner or said second binding partner are not covalently bound; and
 - c) packaging components.
22. (Twice Amended) The kit of claim 21, wherein at least one of the first or second binding partner is labelled.

Amendments to the claims are indicated in the attached "Marked Up Version of Amendments" (pages i - iii).

REMARKS

Claims 1-2, 4-8, 10-14 and 19-22 are currently pending in the application. Claims 1-2, 5, 13, 19-20 and 22 are amended. The amendments find support in the specification and are discussed in the relevant sections below. No new matter is added.

Rejections Withdrawn

Applicants note that the following rejections are withdrawn: the rejection of claims 2, 7-8, 10-11 and 14 under 35 U.S.C. § 102(e) as being anticipated by Epps *et al.* (U.S. Pat. No. 6,203,994); the rejection of claims 2, 5-8 and 11 under 35 U.S.C. § 102(e) as being anticipated by Eberwine *et al.* (WO 96/05847); the rejection of claims 10-11 and 14 under 35 U.S.C. §